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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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26694	7590	04/24/2008		
VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998			EXAMINER RAHMAN, FAHMIDA	
			ART UNIT	PAPER NUMBER
			2116	
			MAIL DATE	DELIVERY MODE
			04/24/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/849,771

Applicant(s)

LEVIT, MAXIM

Examiner

FAHMIDA RAHMAN

Art Unit

2116

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-14, 16-21 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-14, 16-21 and 23-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to communications filed on 1/18/08.
2. Claims 1, 10, 21 and 24 are amended.
3. Claims 8, 15, 22, 27-29 are cancelled.
4. Therefore, claims 1-7, 9-14, 16-21, 23-26 are pending.

Specification

The disclosure is objected to because of the following informalities:

[00020] in pages 7-8 of applicant's disclosure mention 22ab in lines 5, 9 and 14.

However Fig 2 shows voltage regulator as 22a,b. Appropriate correction is required.

Claim Objections

Claims 1-7, 9-14, 16-20 and 24-26 are objected to because of the following informalities: claims 1, 10 recite "the electrical component" in line 3, which should be changed to "an electrical component" as it is recited for the first time.

Claim 24 recite "a chip" in line 5, which should be changed to "an electrical chip" as line 5 recites "the electrical chip is ON" in second occurrence.

Claims 2-7, 9 depend on claim 1, claims 11-14, 16-20 depend on claim 10 and claims 25-26 depend on claim 24. Thus, they carry the same informalities by virtue of dependency.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-7, 9-14, 16-21 and 23-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1, 10, 21 and 24 recite the limitation "the threshold temperature representing the idle state of the chip is determined based on component speed characteristics of the chip at the threshold temperature" in lines 11-13, lines 11-13, lines 10-12, lines 9-11 respectively. However, specification does not clearly set forth the steps of determining the threshold temperature representing the idle state of the chip, based on component speed characteristics of the chip at the threshold temperature.

Art Unit: 2116

Fig 3 shows the threshold temperature representing the idle state of the chip. According to [00016], [00025], Fig 3- Fig 4, the threshold temperature maintains the component speed characteristics, since minimum allowed voltage ensures the timing performance validation. However, the disclosure never mentions about determining the threshold temperature based on speed characteristics at the threshold temperature. Therefore, there is no support for the claimed limitation "the threshold temperature representing the idle state of the chip is determined based on component speed characteristics of the chip at the threshold temperature" in the disclosure. On the contrary, the disclosure provides support in determining the minimum allowed voltage ([00025]) representing the idle state of the chip (Fig 3 – Fig 4) based on component speed characteristics ([00025] determines minimum voltage by the timing performance validation) of the chip at the threshold temperature ([00018] mentions that minimum voltage may be determined by direct comparison of component speed gain due to temperature drop from highest allowed temperature to the temperature threshold). Therefore, "the minimum allowed voltage value representing the idle state of the chip is determined based on component speed characteristics of the chip at the threshold temperature" is consistent with the disclosure, though there is no support for the claimed limitations of "the threshold temperature representing the idle state of the chip is determined based on component speed characteristics of the chip at the threshold temperature" in the disclosure.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7, 9-14, 16-21 and 23-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 10, 21, 24 recite "threshold temperature representing the idle state is determined based on component speed characteristics of the chip at the threshold temperature" in lines 11-13, lines 11-13, lines 10-12, lines 9-11 respectively. According to the claimed invention, threshold temperature is determined based on component speed characteristics at the threshold temperature, though threshold temperature is not determined yet. If threshold temperature is not determined, then speed characteristics at the threshold temperature do not exist (since threshold temperature is unknown). In such a case, it is not clear how threshold temperature would be determined based on component speed characteristics at the threshold temperature.

Claims 2-7, 9, 11-14, 16-20, 22-23, 25-26 depend on claims 1, 10, 21 and 24 respectively. Thus, they carry the same ambiguity of the respective independent claims.

Appropriate correction is required.

Art Unit: 2116

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FAHMIDA RAHMAN whose telephone number is (571)272-8159. The examiner can normally be reached on Monday through Friday 8:30 -6:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on 571-272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fahmida Rahman
Examiner
Art Unit 2116

/Nitin C. Patel/
Primary Examiner, Art Unit 2116